

REMARKS/ARGUMENTS

Claims 1-86 are pending in the application, of which claims 26-43 and 69-86 are withdrawn. The Specification is objected to; claims 1-25 and 44-68 stand rejected under 35 U.S.C. 112, second paragraph; and claims 1-25 and 44-68 also stand rejected under 35 U.S.C. 102.

Claim Amendments

Amended independent method claim 1 and corresponding independent system claim 44 propose, respectively, a computer-implemented method and a computer system for managing components of financial services delivery system devices, such as self-service financial transaction terminals and home banking servers (See, e.g., Specification p. 9, lines 18-20; p. 12, lines 16-26; p. 48, line 17-p. 49, line 15; and p. 69, line 29-p. 70, line 17) that involves, for example, providing a plurality of management protocol agent versions, each capable of translating management requests from a different external system management protocol format, but running only one version of the management protocol agent adapted for translating management requests from a particular external system management protocol format (See, e.g., Specification p. 53, lines 19-24 and Fig. 12).

Independent method claim 1 and corresponding independent system claim 44 further propose receiving a management request via an external interface by the management protocol agent in the particular remote system management protocol format (See, e.g., p. 7, line 24-p. 8, line 2; p. 19, line 27-p. 20, line 1; p. 51, lines 4-7; p. 52, lines 5-6; p. 52, lines 22-23; p. 70, lines 13-15; and Fig. 13) from an external system management component relative to a managed component of any one of a plurality of different types of financial services delivery devices (See, e.g., Specification p. 9, lines 18-20; p. 12, lines 16-26; p. 48, line 17-p. 49, line 15; p. 69, line 29-p. 70, line 17), and translating the management request by the management protocol agent from the particular remote system management component protocol format (See, e.g., Specification, p. 7, line 27-p. 8, line 2; p. 19, line 27-p. 20, line 9; p. 53, lines 19-23; p. 52, lines 5-8; p. 52, lines 22-24; p. 54, lines 4-19; and Figs. 12-14) into a specific

command relative to the managed component in a format supported by a command dispatch agent and sending the management request to the command dispatch agent (See, e.g., Specification p. 51, lines 4-10 and Fig. 12).

Independent method claim 1 and corresponding independent system claim 44 additionally propose obtaining the managed component by the command dispatch agent from a component registry with which the managed component was previously registered, executing the command by the command dispatch agent via an interface published by the managed component by dispatching the command to the managed component, receiving a response from the managed component (See, e.g., Specification p. 8, lines 3-9; p. 20, lines 5-9; p. 51, lines 11-14; p. 52, lines 24-28; p. 55, line 16-p. 56, line 30; and Figs. 12 and 13), and providing the response to the management protocol agent (See, e.g., Specification p. 52, lines 14-16; p. 52, lines 28-29; and Figs. 12-14).

In addition, independent method claim 1 and corresponding independent system claim 44 propose translating the response by the management protocol agent from the format supported by the command dispatch agent into the particular remote management system protocol format for the external system management component, and providing the response to the management request to the external system management component by the management protocol agent via the external interface in the particular remote management system protocol format (See, e.g., Specification p. 8, lines 14-16; p. 19, line 28-p. 20, line 1; p. 51, lines 5-7; p. 52, lines 14-17; p. 52, lines 28-30; p. 54, lines 7-10; p. 54, lines 29-30; and Figs. 12 and 13).

Claims 2-5, 8-13, 19, 22-25 depending on claim 1 and claims 45-48, 51-56, 62, and 65-68 depending on claim 44 are canceled and claim 6, 7, 14, 15, 20, 21 depending on claim 1 and claims 49, 50, 57-61, 63, and 64 depending on claim 44 are amended to address editorial issues raised by the amendment of claims 1 and 44.

Support for the foregoing amendment is found throughout the specification and in the claims as detailed above. Accordingly, no new matter has been added.

Specification Objections

The foregoing amendment overcomes the objection by changing “Fig. 25” to “Fig. 15” to correcting the typo identified by the Examiner on page 53 and by adding a reference to “Fig. 12” on page 53 which includes a reference to component # 306.

Claim Rejections - 35 U.S.C. § 112

Claims 1-25 and 44-68 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The rejection is traversed and reconsideration is requested.

Regarding the Examiner’s assertions that “The claims are directed to a method however there are many apparatus limitations which are indefinite. Taken together, the method steps and apparatus limitations fail to circumscribe a clear and definitive invention”, the foregoing amendment overcomes the rejection. For example, amended independent claims 1 and 44, respectively, now refer to a computer-implemented method and computer system for managing components of financial services delivery system devices, such as ATMs and home banking servers.

With regard to the Examiner’s assertion that “The specification fails [to] define said financial services”, while it is believed that the plain meaning of the term “financial services” is self-evident, the specification provides many examples, such as ATM systems (See, e.g., Specification, p. 2, lines 18-19): account access, bill paying, and money transfers via home banking systems (See, e.g., Specification, p. 2, line 25-p. 3, line 4); account access via PCs, screen phones, PDAs, and the Internet See, e.g., Specification, p. 3, lines 14-19); paying bills, buying and selling stocks, and quoting stocks through ATMs, PCs or other remote devices (See, e.g., Specification, p. 3, lines 22-26); and accessing accounts electronically from other countries (See, e.g., Specification p. 4, lines 2-6).

Regarding the Examiner's assertion that "The specification fails [to] define ... what components are essential to said system", the specification provides examples of the components of the system for embodiments of the invention, such as a management protocol agent, a command dispatch agent, a status monitor agent, a system manager, a local management mini-app, a component registry, an event broker, a logger, a managed component, and an instrument (See, e.g., Specification, p. 48, line 6-p. 51, line 22 and Fig. 12).

Regarding the Examiner's assertion that "The term managed component is vague and indefinite", the specification provides examples of managed components for embodiments of the invention, such as a session controller (See, e.g., Specification, p. 61, lines 3-7 and Fig. 18) or a cash dispenser (See, e.g., Specification, p. 53, lines 1-9 and Fig. 15). Regarding the Examiner's speculation as to whether an ATM is a managed component, amended independent claims 1 and 44, respectively, now specify a computer-implemented method and computer system for managing components of financial services delivery system devices, such as ATMs and home banking servers.

Regarding the Examiner's assertion that "The step of translating is vague and indefinite as to what is being translated", amended independent claims 1 and 44 specify that a management request is translated by the management protocol agent from a particular remote system management component protocol format into a specific command relative to a managed component in a format supported by a command dispatch agent. In addition, the specification provides examples of management requests for embodiments of the invention, such as inquiry, stop, or start, on a managed component (See, e.g., Specification, p. 55, lines 14-16).

Regarding the Examiner's speculation as to "In what format is the input and in what format is the output", the terms "input" and "output" are not recited in the claims. The specification provides examples of translations by the management protocol agent for embodiments of the invention, such as translation of a management

request from a remote system management protocol into a specific command for the managed component (e.g., an inquiry command, a stop command, or a start command, for the command dispatch agent) (See, e.g., Specification, p. 7, line 27-p. 8, line 2) and translation of a response into the remote management system protocol format (See, e.g., Specification p. 8, line 14-16).

Regarding the Examiner's assertion that "Executing a command via an interface published by said manages [sic] component [is] confusing", amended independent claims 1 and 44 specify that the command dispatch agent obtains the managed component from a component registry with which the managed component was previously registered and executes the command via an interface published by the managed component by dispatching the command to the managed component, receiving a response from the managed component, and providing the response to the management protocol agent.

Regarding the Examiner's request for "an example using an ATM", the Specification provides several such examples for embodiments of the invention, such as the component object model in Fig. 12 and the use case scenarios in Figs. 13-15, in which the software components reside, for example, in the applications running on an ATM (See, e.g., Specification, p. 48, lines 7-22; p. 51, line 23-p. 60, line 22).

Regarding the Examiner's assertion that "In the claims a management protocol agent is vague and indefinite", amended claims 1 and 44 specify, for example, a plurality of management protocol agent versions, each capable of translating management requests from a different external system management protocol format, but only one version of which is running that is adapted for translating management requests from a particular external system management protocol format. Amended claims 1 and 44 specify further that the management protocol agent receives a management request via an external interface in the particular remote system management protocol format from an external system management component relative to a managed component of any one of a plurality of different types of financial services delivery devices, translates the management request from the particular remote system management component protocol

format into a specific command relative to the managed component in a format supported by a command dispatch agent, and sends the management request to the command dispatch agent. Amended claims 1 and 44 specify still further that the management protocol agent translates the response from the format supported by the command dispatch agent into the particular remote management system protocol format for the external system management component, and provides the response to the management request to the external system management component via the external interface in the particular remote management system protocol format.

Regarding the Examiner's speculation regarding "What is the hardware[?] Where does it exist?", as noted above, amended independent claims 1 and 44, respectively, specify a computer-implemented method and a computer system for managing components of financial services delivery system devices, such as self-service financial transaction terminals and home banking servers. The specification provides examples of components of hardware devices that are managed according to embodiments of the invention, such as an agent set that provides a communication mechanism for a bank to communicate with its ATMs and query them for their status, instrumentation software resident on the ATMs that monitors the hardware devices that are part of the ATMs and are addressable entities that can be queried about the status of any particular item on the ATM (See, e.g., Specification, p. 7, lines 16-23).

Regarding the Examiner's assertion that "Also, a dispatch agent is vague and indefinite", as previously noted, amended independent claims 1 and 44 specify that the command dispatch agent obtains the managed component from a component registry with which the managed component was previously registered and executes the command via an interface published by the managed component by dispatching the command to the managed component, receiving a response from the managed component, and providing the response to the management protocol agent.

Regarding the Examiner's assertion that "The step of obtaining the managed component for [from] a component registry is indefinite", amended independent claims 1 and 44 specify that the managed component is obtained by the command

dispatch agent from a component registry with which the managed component was previously registered. The specification provides examples of the process of registering a managed component and obtaining the managed component from the component registry for embodiments of the invention, such as sending a RegisterObject request (mys) to the component registry by a managed component (e.g., as a session controller), sending an Obtain Component SessionController request to the component registry by a command dispatch agent and receiving an object reference response by the command dispatch agent from the component registry (See, e.g., Specification, p. 52, lines 1-12 and Fig. 13).

Regarding the Examiner's additional request for "an example using a [sic] ATM" and "an example of the claim language of claims 12-25 using a conventional ATM network", as previously noted, the Specification provides several such examples for embodiments of the invention, such as the component object model in Fig. 12 and the use case scenarios in Figs. 13-15, in which the software components reside, for example, in the applications running on an ATM (See, e.g., Specification, p. 48, lines 7-22; p. 51, line 23-p. 60, line 22).

Regarding the Examiner's assertion that "With respect to claims 44-68, The[sic] preamble is directed to a system, yet the body of the claim does not contain any limitations indicating the structure of the device. The means + function limitations are each directed to software code. A system or an apparatus claims should always claim the structure or the hardware that performs the function", as noted above, the foregoing amendment overcomes the rejection. For example, amended independent claim 44 now refers to a computer system for managing components of financial services delivery system devices, such as ATMs and home banking servers, and omits means plus function claims.

Claim Rejections - 35 U.S.C. § 102

Claims "1-5" (presumably the Examiner intended claims "1-25") and 44-68 stand rejected as unpatentable over Coutts (U.S. 6,311,165) under 35 U.S.C. § 102(e). The rejection is traversed and reconsideration is requested.

Couts is not prior art under 35 U.S.C. § 102. Application No. 09/229,045, which issued as the Coutts patent on October 30, 2001, was filed on January 12, 1999 claiming priority to GB 9808995 filed April 29, 1998, GB 9808997 filed April 29, 1998, and GB 981178 filed July 25, 1998. The present application was filed on September 27, 2000 as a continuation-in-part of co-pending U.S. Patent Application Serial No. 09/323,210 filed June 1, 1999, which was a continuation of U.S. Patent No. 5,933,816 issued on U.S. Patent Application Serial No. 08/908,413 filed August 7, 1997 claiming priority to U.S. Provisional Application No. 60/029,209 filed October 31, 1996. Thus, the claimed invention was neither described in an application for patent published under section 122(b) by another filed in the United States before the invention thereof by applicants herein nor in a patent granted on an application by another filed in the United States before the invention by the applicants herein.

Nevertheless, Coutts is more typical of the type of systems described in the "Background of the Invention." As described on pages 2 to 5, banks and other financial institutions provide ATM terminal networks and internal computer systems for home banking. Moreover, in a global context, such ATM terminal networks and internal computer systems for home banking are deployed in many different countries. The interface for the ATMs is typically different from the interface for the internal computer systems for home banking, and the complexity is increased by the worldwide deployment of ATMs and internal computer systems, including for example home banking servers.

Banks and other financial institutions have responded to the needs for access to the ATMs and internal computer systems deployed worldwide by adding additional electronic interfaces. Consequently, banks typically have multiple interfaces for monitoring and managing ATMs and internal computer systems for home banking from a central location. The resources of banks are being stretched to support these multiple interfaces. In addition, the platform or platforms needed to interface with ATMs and internal computer systems for home banking in other countries are further taxing the ability of a bank to maintain its computer systems.

The Coutts reference relied upon by the Examiner reflects the typical approach of additional interfaces for multiple devices but has the terminal software for individual terminal peripherals running on a central server coupled to the terminal such that the software for a particular peripheral can be downloaded from the central server directly to the terminal peripheral when needed. The Coutts reference fails to mention interfaces except in the context of a GUI and fails to teach or suggest a plurality of management protocol agent versions, each capable of translating management requests from a different external system management protocol format, but only one of which is running that is adapted for translating management requests from a particular external system management protocol format, as recited in claims 1 and 44. If the Examiner intends to repeat the rejection, the Examiner is requested to identify the claimed plurality of management protocol agent versions in the Coutts reference.

The Coutts reference also fails to teach or suggest a management protocol agent, for example, that receives a management request via an external interface agent in the particular remote system management protocol format from an external system management component relative to a managed component of any one of a plurality of different types of financial services delivery devices and translates the management request from the particular remote system management component protocol format into a specific command relative to the managed component in a format supported by a command dispatch agent and sending the management request to the command dispatch agent, as recited in amended claims 1 and 44. For example, one difficulty in providing a common interface for a plurality of different types of financial services delivery devices is the use of multiple remote system management protocol formats for monitoring and managing ATMs and internal computer systems for home banking from a central location. If the Examiner intends to repeat the rejection, the Examiner is requested to identify the claimed management protocol agent in the Coutts reference.

The Coutts reference relied on by the Examiner has the peripheral software running on the central server and downloads the peripheral software on demand direct to the terminal peripherals to which the central server is coupled. The Coutts reference fails to teach or suggest a command dispatch agent, for example, that obtains the managed

component from a component registry with which the managed component was previously registered and executes the command via an interface published by the managed component by dispatching the command to the managed component, receiving a response from the managed component, and providing the response to the management protocol agent, as recited in amended claims 1 and 44. If the Examiner intends to repeat the rejection, the Examiner is requested to identify the claimed command dispatch agent in the Coutts reference.

Regarding the Examiner's allegation of "official notice that the method of the prior art can be performed by the SNMP management protocol agent", while the SNMP protocol presently in use is said to use hardware and/or software processes referred to as "agents", if the Examiner intends to repeat the rejection, the Examiner is requested to identify a management protocol agent, for example, that receives a management request via an external interface agent in the particular remote system management protocol format from an external system management component relative to a managed component of any one of a plurality of different types of financial services delivery devices and translates the management request from the particular remote system management component protocol format into a specific command relative to the managed component in a format supported by a command dispatch agent and sending the management request to the command dispatch agent, as recited in amended claims 1 and 44.

Moreover, to the extent, the Examiner's alleged "official notice" relates to applicants' claimed invention, the "official notice" should be withdrawn because it is improper, e.g.,:

- the notice taken is not capable of such instant and unquestionable demonstration as to defy dispute;
- the notice taken is not supported by citation to some reference work recognized as a standard in the pertinent art; and
- a clear and unmistakable technical line of reasoning underlying the decision to take such notice is not provided.

The notice of facts beyond the record which may be taken by the examiner must be “capable of such instant and unquestionable demonstration as to defy dispute.”¹ It would not be appropriate for the examiner to take “Official Notice” of facts without citing a prior art reference where the facts asserted are not capable of instant and unquestionable demonstration as being well-known.² Assertions of specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.³ If “Official Notice” is taken, the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable.⁴

First, assertions of the sort made by the examiner in the technology area of the subject invention (computer systems) are inherently unlikely to be capable of such instant and unquestionable demonstration as to defy dispute. Second, the examiner does not cite a prior art reference regarding the “official notice”. Finally, no technical line of reasoning underlying the decision to take such notice is presented beyond the axiomatic recitation that “the examiner takes official notice that the method of the prior art can be performed by the SNMP management protocol agent”.

For these reasons, the undersigned requests that the Examiner’s allegation of “official notice” be withdrawn. The remarks to this point are a challenge to the implicit finding that “official notice” is proper in this case. The remarks are responsive in that they distinctly and specifically point out the error in taking “Official Notice” in this fashion – as required by 37 CFR 1.111(b). While the MPEP asserts:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner’s action, which would

¹ *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970) (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)). Emphasis added.

² MPEP 2144.03. Emphasis in the original.

³ *Id.* Emphasis added.

⁴ *Id.*

include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b),

such a traverse is required only where “Official Notice” was properly taken. Otherwise, an improper “Official Notice”, e.g., mere assertion, would operate as an inappropriate burden-shifting tactic.

Because each and every element as set forth in amended independent claim 1 and/or amended independent claim 44 is not found, either expressly or inherently in Coutts, the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claim 1 and similarly has failed to establish a *prima facie* case of unpatentability for claims 6, 7, 14-18, 20, and 21 that depend on claim 1 and/or claims 49, 50, 57-61, 63, and 64 that depend on claim 44 and which recite further specific elements that have no reasonable correspondence with the reference.

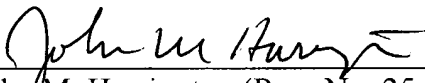
Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date: 7/10/06

Kilpatrick Stockton LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800



John M. Harrington (Reg. No. 25,592)
For George T. Marcou (Reg. No. 33,014)